

SEP 19 2003

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTOPHER PAUL HAWK,

Defendant - Appellant.

No. 02-30019

D.C. No. CR-01-05218-RJB

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert J. Bryan, District Judge, Presiding

Argued and Submitted February 3, 2003
Seattle, Washington

Before: KLEINFELD, McKEOWN, Circuit Judges, and Shapiro **, Senior Judge.

Christopher Paul Hawk appeals the sentence imposed following his guilty
plea conviction for second degree murder, because the sentencing judge upwardly

* This disposition is not appropriate for publication and may not be cited to or
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The Honorable Norma L. Shapiro, Senior U.S. District Judge for the
Eastern District of Pennsylvania, sitting by designation.

departed from criminal history category IV to category V pursuant to U.S.S.G. § 4A1.3. We remand for resentencing to include specific findings supporting the upward departure; United States v. Carrillo-Alvarez, 3 F.3d 316, 324 (9th Cir. 1993). See also United States v. Singleton, 917 F.2d 411 (9th Cir. 1990).

The decision of the district court is

REMANDED for resentencing.